

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

YSELA SANDOVAL,

Petitioner,

v.

WARDEN,

Respondent.

CASE NO. 2:24-cv-00789-JLR-GJL

REPORT AND RECOMMENDATION

Noting Date: September 5, 2024

The District Court has referred this action filed pursuant to 28 U.S.C. § 2241 to United States Magistrate Judge Grady J. Leupold.

Petitioner Ysela Sandoval, proceeding *pro se*, commenced this action in August 2023 in the United States District Court for the Central District of California. *See* Dkt. 1. The action was transferred to this Court on June 3, 2024. *See* Dkt. 14. On June 5, 2024, the Clerk of Court notified Petitioner that her pleadings were deficient because she had not paid the \$5.00 filing fee or applied to proceed *In Forma Pauperis* (“IFP”), and she had failed to provide the Court with a copy of her prison trust account statement. Dkt. 16. The Clerk also informed Petitioner that she had until July 5, 2024, to correct the deficiencies. *Id.*

1 Petitioner failed to respond to the Clerk's Notice by July 5, 2024. *See* Dkt. As a result, on
2 July 16, 2024, the Court issued an Order to Show Cause, directing Petitioner to show cause why
3 her case should not be dismissed for failure to prosecute. Dkt. 17. The Court informed Petitioner
4 that if she fails to respond to the Court's Order on or before August 16, 2024, the Court will
5 recommend dismissal of the action without prejudice for failure to prosecute and failure to
6 comply with a Court Order. *Id.*

7 Petitioner has not responded to the Court's Order to Show Cause and the time for doing
8 so has now passed. *See* Dkt. Accordingly, the Court recommends dismissal of this action without
9 prejudice for failure to prosecute under Local Rule 41(b)(2) (relating to involuntary dismissal of
10 actions).

11 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties
12 shall have fourteen (14) days from service of this report to file written objections. *See also* Fed.
13 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
14 *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of
15 those objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda*
16 *v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time
17 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
18 September 5, 2024, as noted in the caption.

19 Dated this 21st day of August, 2024.

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22 Grady J. Leupold
23 United States Magistrate Judge
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